

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M&T BANK,
Plaintiff,
v.
PAULA WHITEROCK,
Defendant.

Case No. [15-cv-03736-JCS](#)
(also filed in Case No. 15-cv-00914-YGR)

**ORDER OF SUA SPONTE REFERRAL
AS TO WHETHER CASES ARE
RELATED**

Civil Local Rule 3-12(c) provides that “[w]hen a Judge believes that a case pending before that Judge is related to another case, the Judge may refer the case to the Judge assigned to the lowest-numbered case with a request that the Judge assigned to the lowest-numbered case consider whether the cases are related.”

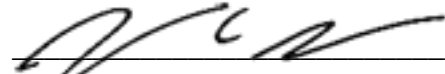
This unlawful detainer action was removed from California Superior Court for the County of Sonoma, where it bore the case number MCV 234345. This is the second time that Defendant Paula Whiterock has removed Sonoma County Superior Court case number MCV 234345 to this Court. The previous removal, this Court’s case number 15-cv-00914, was also initially assigned to the undersigned magistrate judge, and was reassigned to the Honorable Yvonne Gonzalez Rogers after Whiterock failed to respond to repeated instructions to file her consent or declination to magistrate judge jurisdiction. The Court remanded the case to the Sonoma County Superior Court on July 29, 2015, and Whiterock filed her second notice of removal—the present case, this Court’s number 15-cv-3736—on August 17, 2015.

Because both removals arise from the same state court action, and because Whiterock’s two notices of removal are materially identical, this action is REFERRED to Judge Gonzalez Rogers pursuant to Rule 3-12(c) for a determination of whether this action is related to *M&T Bank*

v. *Whiterock*, 4:15-cv-00914-YGR (N.D. Cal.). Any party may file a response, opposition, or statement in support of relating the cases **no later than September 21, 2015**.¹

IT IS SO ORDERED.

Dated: September 15, 2015



JOSEPH C. SPERO
Chief Magistrate Judge

United States District Court
Northern District of California

¹ The undersigned has also issued a Report and Recommendation in this case, recommending that the case once again be remanded and that an order be entered requiring pre-filing review of any further removal. If Judge Gonzalez Rogers determines that the cases are not related, this case will be reassigned to a randomly selected United States district judge for further proceedings, including action on those recommendations.